

REMARKS**RECEIVED****JAN 30 2002****Technology Center 2600**

The Office has objected to the improper dependency of claim 19, which has now been corrected by amendment.

The Office has required correction of the drawings to show only what it believes the specification teaches; namely, in the Examiner's words,

"The specification at page 16 only supports voice commands for the tape deck, i.e. the driver – expressed words "RECORD" (to actuate REC and PL); "RECORD AND TRANSMIT", (to actuate REC-TX), etc."

While not agreeing that this is all the specification supports, in order to make progress and prepare this application for appeal if necessary, applicants are proposing amendment to the drawing herein limited to precisely what the Examiner has stated the specification does support.

Entry of the proposed drawing changes to Figure 1 is therefore in order and is respectfully requested.

35 USC §112 Claim Rejections

Turning to claim rejection based on 35 USC §112, first paragraph, applicants have amended claims 23-30 to conform again to precisely what the Examiner has said the specification supports.

As for the indefiniteness underlying the 35 USC §112 second paragraph rejection of claims 14, 16-20 and 22-27, these claims have also been amended to provide adequate antecedent basis for "the driver", thereby obviating the rejection.

Claim Rejection under 35 USC §103

Applicants first wish to express relief that the Office has at last appreciated the untenability of its earlier "obviousness" rejection based on a proposed combination of the Sano and Sato et al patents to which applicants strongly objected, and that produced the delays in the prosecution of this case leading to the necessary filing of the present continuation application.

Having now abandoned this now admittedly untenable position, with these prior references, the Office has made still another search of the prior art; but the Office has again

come up empty-handed, as it has since its very first search with the parent application back in 1971. ⁹¹?

Even the latest search, however, has again failed to find a prior patent that actually taught applicants' invention of any of (1) operating the switching on of a cellular telephone in a vehicle by voice command of the driver, diversionlessly spoken at the steering wheel; or (2) operating component switches of a vehicle entertainment tape deck by specific voice commands of the driver, diversionlessly spoken at the steering wheel; or (3) both; or (4) in combination.

But once again, the best the Office has been able to come up with is another pair of newly cited patents which the Office again tries to patch together "obviously" (again actually only with the hindsight of applicants' teachings, and distinctly not from any teaching, hint or suggestion in either patent), once more to thwart applicants' efforts to obtain the patent claims which the Constitution contemplated inventors were to be granted.

Merely because the industry may just now be beginning to show interest in applicants' early concepts, is no reason for the Patent Office to deny protection for the pioneer invention of applicants.

Specifically claims 14, 16-20 and 22-30 have all been rejected under 35 USC §103(a) as reciting only the "obvious" incorporation of "a voice controlled mechanism as taught by Dubus" (U.S. patent 4,731,811) into "the cellular radio telephone in the steering wheel of Ishikawa et al" (U.S. Patent 4,698,838).

This new "obviousness" rejection based on a proposed combination of the teachings of the newly cited patents, however, is utterly fallacious and equally as patentably untenable as the earlier now-abandoned rejections, as will now be demonstrated.

The primary reference, the patent to Ishikawa et al, merely teaches that the telephone is to be detachably held in a pad mounted in the interior space of the driving wheel.

The whole purpose of this patent is that

"the driver can use the telephone on his driving seat without picking up the telephone during operation of the steering wheel" (col. 1, lines 49-52).

The initiating of a telephone call and the responding to a call is not at all diversionless, and must, indeed, be effected by respective manual "call switch 38" operation (col. 9, line 47,

on), and by manual “talk switch 38” operation (col. 9, line 36, on) which will allow speaking by the driver over the telephone as conveniently mounted inside the steering wheel.

[There is not the slightest word, suggestion or even hint in this patent of applicants’ concept -- in the language of claim 29, for example -- of voice-controlled switching means disposed at said steering wheel region for enabling the activating and deactivating of the cellular radio telephone. There is not the slightest hint, let alone disclosure, of such “voice-controlled switching means being responsive to the driver speaking predesignated commands live at said steering wheel region for thereupon effecting” said switching activating.

In short, no one reading this patent would find the slightest disclosure of the idea of a driver, diversionlessly and without manual switching, switching on the cellular telephone transmission capability in the vehicle by a predesignated voice command of the driver spoken live at the steering wheel. No one, furthermore, would find any disclosure of driver-spoken command switching of any component whatsoever of a vehicle entertainment deck (amended claim 30, for example). No one would find any disclosure either of combined driver-spoken commands for both switching on entertainment components and the cellular telephone simultaneously, as for recording the driver’s dictation live at the entertainment deck recorder, and at the same time transmitting that dictation live over the cellular telephone transmitter (amended claim 28 and newly presented claim 36, etc.).

The Office, indeed, has had to admit that the only prior art reference it has found and is now asserting, bearing even on any operation of a cellular telephone mounted at the steering wheel, Ishikawa et al, is absolutely

“silent, however, as to a voice controlled switching mechanism programmed with and responsive to a plurality of predesignated separate voice commands for operation of an ‘entertainment deck’ and cellular radio telephone”. (Page 4 of Office action).

While the concept of mounting of the telephone in the steering wheel goes part way towards the goal of diversionless driving and telephoning, in that it no longer requires, in the words of Ishikawa et al, “picking up the telephone during operation of the steering wheel”, it still requires diversion for manual call and talk switching. And, as before noted, it discloses and teaches nothing about any diversionless driver spoken switching of entertainment deck components, or simultaneous deck component and cellular telephone voice switching.

Admittedly finding the patent to Ishikawa et al so lacking in anticipation of applicants' invention, the Office, with actually (and improperly) only the hindsight of applicants' teachings, believes it finds in the Dubus patent the necessary teachings that can "obviously" be incorporated into the system of Ishikawa et al--magically, totally to anticipate applicants' invention and their claims.

Specifically, the Office purports to find in Dubus

"voice controlled switching mechanism 2 and 3 programmed with and responsive to a plurality of predesignated separate voice commands for operation of 'entertainment deck' 8 and 9 and cellular radio telephone 12".

Altogether apart from the impropriety of this "obvious" fiat, the Office is entirely wrong in this statement as to what the Dubus patent discloses.

In the first place, nowhere does Dubus characterize units 8 and 9 as an "entertainment deck", nor is any other such deck disclosed or used. The unit 8, to the contrary, is a "delta modulator", and at that, it is not operated in response to a live voice command, but is operated for speech synthesis of non-set words (col. 2, line 63) by a "signal...switched...by connection 55" (col. 3, lines 63-65). As for unit 9, while it is physically a car radio, its entertainment operation has nothing to do with its function in the Dubus system where, rather, signals from "the tuner of car radio 9" and "the amplifier of car radio 9" are conveniently supplementarily used for completing signal connections, and, indeed, neither is even operated in response to any live voice command to operate the radio telephone system, but rather by a "signal carried by connection 57" and "by connection 61" (col. 14, lines 25, on).

As for the radio telephone 12, while it does involve a "man-machine dialog with oral dialing" (col. 1, line 46), it has no live driver predesignated voice command spoken at the steering wheel for switch-activating the cellular telephone as taught and claimed by applicants; and, indeed, its different type of dialing, totally unlike applicants' invention,

"does not (even) require use of a standard telephone set...only manual interventions...to actuate the various contacts provided." (Col. 10, lines 14-18).

The Dubus patent thus utterly fails to provide the "missing links" in Ishikawa et al to reach applicants' claimed invention.

Particularly in their currently amended form, as earlier mentioned, all of claims 14, 16-20 and 22-30 clearly define applicants' advance over the cited prior art, even assuming

arguendo the propriety of the “hindsight” proposal somehow to combine the reference teachings.

This will now be demonstrated.

Claims 28 to 30

Claims 28 and 30 have been amended to recite driver-expressed command for “a predetermined component of the entertainment deck” in order to obviate the Examiner’s criticism of language requiring a separate voice command for each component of the tape deck. While applicants, as later demonstrated, do not agree that the specification is so limited, applicants have none-the-less so amended claims 28 and 30 to fit the Examiner’s position and secure allowance (the claim also, of course, generically dominating what applicants believe to be the proper scope of their disclosure).

Claim 29 has also been amended to recite “a predesignated voice command”, being a sub-combination directed to the cellular radio telephone operation.

Claims 28-30 are thus believed to be allowable as fully within applicants’ disclosure and, as earlier shown, unanticipated by the cited prior art.

Newly Presented Claims 31-36

Claim 31 tracks above-discussed allowable amended claim 30, being restricted to the entertainment deck player/recorder component voice command operation that the Examiner agrees that the specification “supports”, (top of page 3, center of page 6 of Office action).

Claim 32 depends from claim 31, adding cellular radio telephone.

Claim 33 tracks claim 28, above discussed, but specifically also uses the recorder REC, player PL and cellular telephone transmitter TX legends that the Examiner agrees that the “specification...supports”.

Claim 36, depending therefrom, claims the simultaneous REC-TX option O₃ (Fig. 2), top of page 12 of the specification.

Claim 34 similarly tracks allowable amended claim 29, above discussed, using the specific “TX” symbol referred to by the Examiner.

Claim 35 depends from claim 34 adding the REC and PL symbols.

These claims thus also appear to be allowable and such action is respectfully requested.

Amended Claims 14, 16-20 and 22-27

Claim 23 has been amended to be specific to the player/recorder component in a manner similar to claim 28 above discussed; and claim 24 has been amended similarly to claim 29.

Claim 25 (and thus dependent claims 14, 16-18 and 20) includes also the AM/FM radio component “R-REC” switch at the top left of Fig. 1 and at RR in Fig. 2 (see pages 14 and 15).

The Examiner’s position that the specification on page 16 (and elsewhere) “only supports voice commands”... “to actuate REC and PL” and “to actuate REC-TX” is believed to be totally in error.

The clear teaching on the very page 16 that the Examiner only partly quotes; is that

“the controls shown to the left in Fig. 1...may be activated by voice commands, recognized by predesignated voice commands...words or numbers, now fully implementable by well-known technology”.

Undisputedly, the very first of the “controls shown to the left in Fig. 1” is “R-REC” which the specification explains at the top of page 15, is for recording the AM/FM received programs (at RR, Fig. 2).

This language embracing the “controls shown to the left in Fig. 1” clearly refers to all of R-REC, REW, PL, P, REC, FOR, REC TX, PL TX and TX which are, indeed, the very “controls shown to the left in Fig. 1”.

The mere fact that only exemplary illustrative command words for REC, PL and REC, TX are presented , (--note the use of “i.e.” meaning “as illustrations only”), by no means excludes all the other “controls shown to the left in Fig. 1” that are clearly taught.

More than this, not only has the Office ignored “i.e.”, but it has also ignored the “etc”. specifically included after these examples of driver-expressed words. The term “etcetera” means

“and others exp. of the same kind” (Webster’s Seventh New Collegiate Dictionary, ’67, page 285).

What “others...of the same kind”? Unambiguously, the specific “controls shown to the left in Fig. 1” clearly specified on page 16 of the specification!

While applicants have amended the claims and drawings to satisfy these erroneous limiting positions of the Office, they have done so under protest and in a manner that still

provides generic protection of the broader disclosure applicants believe they have made; and such amendments are accordingly not to be construed as disclaiming or agreeing with the Office. They are made desperately to break the deadlock and delays that applicants have encountered, and at least get some patent protection for important features of their invention.

Reconsideration and allowance are therefore respectfully requested.

Any costs, including for extensions of time required herein, petition for which is hereby made, are to be charged to Deposit Account No. 18-1425 of the undersigned attorney.

Respectfully submitted,

RINES AND RINES

By: 

Robert H. Rines

Registration No. 15,932

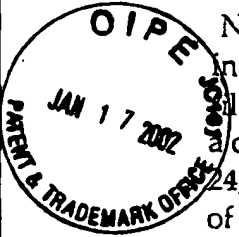
Date: January 17, 2002
RINES AND RINES
81 North State Street
Concord, NH 03301
Tel: (603) 228-0121

Handwritten Claim Changes

(to be attached to original)

Paper No. 23
Amendment

Serial No. 09/039176
(Continuation of ~~SN 09/039176~~,
filed March 13, 1998, a division of USSN 08/696,294,
filed August 19, 1996, now US Patent
No. 6,002,558, issued December 14, 1999,
in turn a continuation of USSN 08/380,242,
filed January 30, 1995; abandoned, in turn
a continuation of USSN 873,970, filed April
24, 1992, abandoned; in turn a continuation
of USSN 584,134, September 18, 1990, abandoned)



RECEIVED

JAN 30 2002

Technology Center 2600

Group Art: 2652

Filed: ~~Handwritten~~ March 13, 1998

Examiner: Davis, D.

For: METHOD OF AND APPARATUS FOR EXPANDING FUNCTIONALITY OF
VEHICLE CASSETTE TAPE-PLAYER DECKS TO PERMIT DICTATION OR
OTHER RECORDING AND AUTOMATIC REMOTE STATION RELAYING
OF THE SAME

The Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

Dear Sir:

Replying to the ~~from~~ Office communication of August 2, 2001, ~~January 15, 2001~~, please amend

the application as follows:

Please ~~add the following claim~~ amend claims 28-30 as follows:

--28. In a driver-operated vehicle provided with a steering wheel region, vehicle
radio entertainment deck components, and a vehicle cellular radio telephone for use
by a driver in the vehicle, apparatus for enabling the driver, while seated at the
steering wheel region of the vehicle, to access to ~~access to~~ ^{said} ~~components~~ ^{as predetermined} of said
components of the entertainment deck and also to access the cellular radio telephone,
all in a diversionless manner with full attention to driving, said apparatus
comprising separate control switches for turning said components on and off; a
further control switch for enabling the activating and deactivating of the cellular

Typo as
changed
in int

2

(2)

radio telephone; and voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of predesignated voice commands for operation of said ~~components~~^{predetermined} and also of the cellular radio telephone, the voice-controlled switching means being responsive to the ~~driver~~^{said} speaking such predesignated voice commands live at said steering wheel region for thereupon effecting the activating of the corresponding control switch. --

--29. In a driver-operated vehicle provided with a steering wheel region and a vehicle cellular radio telephone for use by a driver in the vehicle, apparatus for enabling ~~the~~^{said} driver, while seated at the steering wheel region, to access the cellular radio telephone in a diversionless manner with full attention to ~~the~~ driving, said apparatus comprising a control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means disposed at said steering wheel region and programmed with ^a pre-designated voice commands for the operation of the cellular radio telephone; the voice-controlled switching means being responsive to the driver speaking such ^a predesignated commands live at said steering wheel region for thereupon effecting the activating of said control switch.--

--30. In a driver-operated vehicle provided with a steering wheel region and a vehicle radio-entertainment deck including one or more of storage-medium player, dictation recorder and AM/FM radio receiver components, apparatus for enabling a driver, while seated at the steering wheel region of the vehicle, to access ~~all~~^{control} ~~of said~~^{in predetermined} components of the entertainment deck, ~~all~~ in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off; and voice-controlled switching means disposed at said steering wheel region and programmed with ^a

Claim 16, line 2, change "mode is" to --are also--

Claim 16, line 3, change "panel" to:--deck--.

Claim 17, line 1, change "15" to:--25--.

Claim 17, lines 1 and 2, delete "by the playback mode" and substitute:--of the player--.

Claim 17, line 2, cancel "the"

Claim 18, line 1, change "15" to:--25--.

Claim 18, lines 1 and 2, delete "to the playback mode" and substitute:--of the player--.

Claim 18, line 2, before "recordings" insert:--dictation--.

Claim 19, line 1, before "switching", insert:--control switch--.

Claim 19, at beginning of line 2, before "effected" insert:--also--.

Claim 19, line 2, change "control" to:--button--.

Claim 20, line 1, change "15" to:--25--.

Claim 20, line 2, after "effected" insert:--optimally--.

Claim 20, line 2, before the period insert:--and by switching buttons--.

Claim 22, line 1, change "21" to:--25--.

Claim 22, line 2, change "is" to:--button is also--.

Please substitute the following:

--23. In a driver-operated vehicle provided with a vehicle ^{antenna wheel region and} entertainment deck including one or more of storage-medium player ^{dictation recorder and vehicle radio receiver} dictation recorder ^{OK OK OK OK} components, and a vehicle cellular radio telephone for use by the driver in the vehicle. ^{said} apparatus for enabling the driver, while seated at the steering wheel region of the vehicle, to access ^{CL Predictive} ~~any and all~~ said components ^{OK OK OK} of the entertainment deck and also to access the cellular radio telephone, all in a diversionless manner with full attention to driving, said apparatus comprising separate control switches for turning each of said ^{OK} ~~entertainment~~ components on and off, a further control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for ^{enabling} ~~the continuous operation of one of~~ said ^{multiple} ~~entertainment~~ deck components ^{OK} and also of the cellular radio telephone; the voice-controlled switching means being responsive to the driver speaking ^{such} ~~the~~ respective pre-designated ^{reference} ~~commands~~ commands

live at said steering wheel region for thereupon effecting the activating of the corresponding control switch.--

- a steering wheel region and*
-24. In a driver-operated vehicle provided with a vehicle cellular radio telephone for use by the driver in the vehicle, apparatus for enabling the driver, while seated at the steering wheel region, to access the cellular radio telephone in a diversionless manner with full attention to the driving, said apparatus comprising a control switch for enabling the activating and deactivating of the cellular radio telephone, and voice-controlled switching means disposed at said steering wheel region and programmed with pre-designated voice commands for the operation of the cellular radio telephone; the voice-controlled switching means being responsive to the driver speaking such pre-designated commands live at said steering wheel region for thereupon effecting the activating of said control switch --

- a steering wheel region and*
25. In a driver-operated vehicle provided with a vehicle entertainment deck including one or more of storage-medium player, dictation recorder and ~~AM/FM radio receiver~~ *OK OK* components, apparatus for enabling the driver, while seated at the steering wheel region of the vehicle, to access ~~any and~~ *a* all of said components of the ~~entertainment deck~~ *OK OK*, all in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said ~~entertainment~~ *OK* components on and off, and voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for the ~~respective~~ *such* operation of each of said ~~entertainment deck~~ *all* components; the voice-controlled switching means being responsive to the driver speaking the ~~respective~~ *such* pre-designated commands live at the said steering wheel region for thereupon effecting the activating of the corresponding control switch.--

- 26. The apparatus of claim 24 wherein a switch button is provided at said steering wheel region for optionally effecting the switching of said control switch.--

- 27. The apparatus of claim 25 wherein switch buttons are provided at said steering wheel region for optionally effecting the activating of the corresponding control switches.--



25
--16 Apparatus as claimed in claim 15 and in which the switching ^{of} ~~to initiate~~ the recording ^{OK} ~~and playback~~ ^{also} ~~mode~~ is initiated by driver-controlled switches at the panel --

25
--17 Apparatus as claimed in claim 15 and in which the switching ^{of} ~~by the~~ ^{player} ~~mode~~ is automatically effected a predetermined time after the dictation recording --

25
--18 Apparatus as claimed in claim 15 and in which the switching ^{of} ~~to the~~ ^{player} ~~mode~~ is automatically effected after a predetermined number of recordings --

25
--19 Apparatus as claimed in claim 15 and in which the initiation of said switching is ^{effectuated} ~~effected~~ by a driver-operated switch ^{button} ~~control~~ located at the steering wheel structure --

25
--20 Apparatus as claimed in claim 15 and in which initiation of said switching is ^{operably} ~~effected~~ by driver voice-command actuated switches --

--21. In a driver-operated vehicle provided with a vehicle entertainment player storage medium cassette deck having a front panel containing control switches including a playing switch for the driver to listen to audio signals stored in the storage medium while operating the vehicle, apparatus for expanding the use of the vehicle player cassette deck to permit dictation by the driver, that comprises, a microphone integrally carried by the front panel and recording amplifying components comprising, dictating apparatus added and connected to the player cassette deck to enable diversionless dictation by the driver on a storage medium inserted in said player cassette deck, while operating the vehicle; means operable at a time after voice dictation and storage on the storage medium for playing back in the vehicle; and switching means activated by the driver by one of the driver actuating the switching while seated at the steering wheel region, and by the driver actuating the switching by voice command, for rendering the dictating apparatus operative to receive and store dictation --

25
--22. Apparatus as claimed in claim 21 and in which, where the driver actuates ^{button} ~~the~~ switching while seated at the steering wheel region, a driver-controlled switch is incorporated at the steering wheel structure --

In the copy of the application submitted with the filing of this divisional application, please cancel all handwritten insertions and marks.

(3)

--29. In a driver-operated vehicle provided with a steering wheel region and a vehicle cellular radio telephone for use by a driver in the vehicle; apparatus for enabling ^{said} the driver, while seated at the steering wheel region, to access the cellular radio telephone in a diversionless manner with full attention to the driving, said apparatus comprising a control switch for enabling the activating and deactivating of the cellular radio telephone; and voice-controlled switching means disposed at said steering wheel region and programmed with pre-designated voice commands for the operation of the cellular radio telephone the voice-controlled switching means being responsive to the driver speaking such ^a pre-designated commands ^a live at said steering wheel region for thereupon effecting the activating of said control switch.--

--30. In a driver-operated vehicle provided with a steering wheel region and a vehicle radio-entertainment deck including one or more of storage-medium player, dictation recorder and AM/FM radio receiver components, apparatus for enabling a driver, while seated at the steering wheel region of the vehicle, to access ^{control} ~~of~~ ^{a predetermined} said components of the entertainment deck, all in a diversionless manner with full attention to the driving, said apparatus comprising separate control switches for turning each of said entertainment components on and off; and voice-controlled ~~switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for operation of said~~ ^{control} ~~components~~ ^{a predetermined} the voice-controlled switching means being responsive to the driver speaking such pre-designated ~~separate~~ voice commands live at the said steering wheel region for thereupon effecting the activating of the corresponding control switch. --

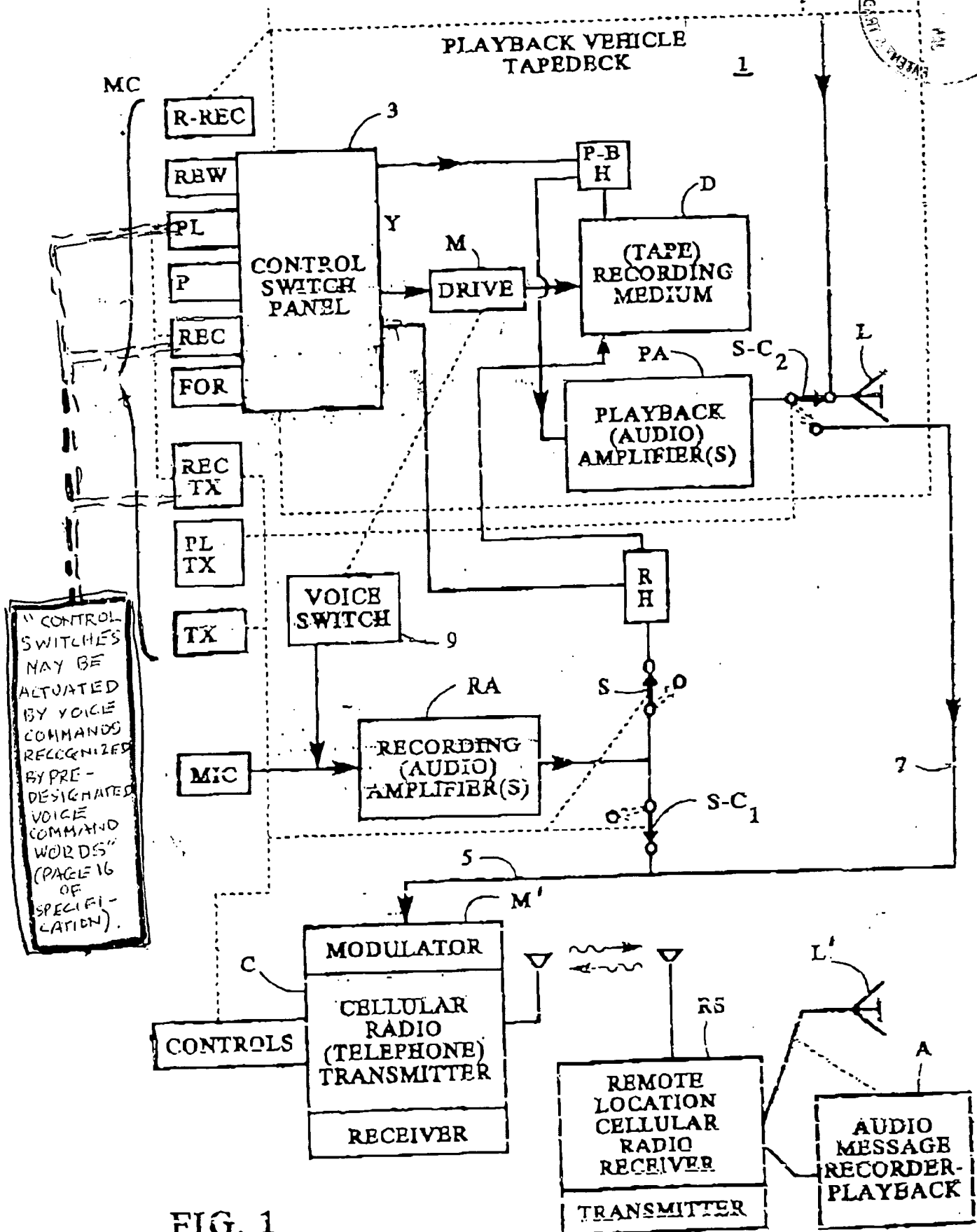
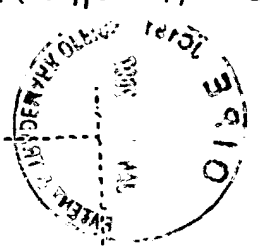


FIG. 1